

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

Date/Time/Location of Incident:	July 28, 2016, 10:30 p.m.
Date/Time of COPA Notification:	July 28, 2016, 1:43 p.m.
Accused Officer #1:	█████████████████████ Star # █████ Employee ID # █████ Date of Appointment: █████ 1995; Police Officer, Unit of Assignment: █████ DOB: █████ 1965, Male White
Involved Individual #1:	█████████████████████ DOB █████ 1982, Female Black
Case Type: Excessive force	

## I. ALLEGATIONS

Officer	Allegation	Finding
Officer █████	1. It is alleged that while inside the 015 <sup>th</sup> District lock-up, the accused used excessive force when he pushed the victim, █████ on the upper body.	Unfounded

II. SUMMARY OF EVIDENCE<sup>2</sup>

On July 28, 2016, at approximately 10:15 a.m., the complainant, █████ was arrested at █████ for battery to her mother. Upon arrival at the █████ District lock-up, Ms. █████ refused to be searched and became verbally abusive toward Officer █████ # █████. Officer █████ # █████ Officer █████ partner, was recording the incident on his body worn camera. Officer █████ requested additional officers to the lock-up area and Officer █████ was one of the officers that responded. Officers █████ and █████ gave Ms. █████ numerous verbal commands to stop resisting but she refused. Ms. █████ began to pull away from the officers and kicked Officer █████ in his leg. In response, Officer █████ performed an open hand strike to Ms. █████ to gain compliance. Ms. █████ did not complain of any injuries but was nonetheless transported to Loretto Hospital for precautionary measures.

COPA reviewed all relevant reports including; the arrest report, original incident case report, supplementary report, tactical response report (TRR), officer battery report, and OEMC event query. Additionally, COPA attempted to interview Ms. █████ but could not obtain her cooperation.

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

Body worn camera video footage of Officer [REDACTED] inside the [REDACTED] District lock-up area depicts Ms. [REDACTED] verbally and physically resisting Officers [REDACTED] and [REDACTED]. Officer [REDACTED] pushed Ms. [REDACTED] on her chest area against a wall inside a processing room.

In statements to COPA, Officers [REDACTED] and [REDACTED] stated that Ms. [REDACTED] was verbally and physically abusive during the incident and refused to allow Officer [REDACTED] to search her. The officers described Ms. [REDACTED] as loud, belligerent, and she directed derogatory statements to the officers during the incident. The video footage confirms their statements. Officers [REDACTED] and [REDACTED] categorized Ms. [REDACTED] as an active resister and stated that Officer [REDACTED] used the appropriate force when he pushed Ms. [REDACTED] to gain her compliance.

In a statement to COPA, accused Officer [REDACTED] reiterated essentially what Officers [REDACTED] and [REDACTED] said regarding Ms. [REDACTED] demeanor during the incident in lock-up. Officer [REDACTED] stated that Ms. [REDACTED] kicked him in the leg inside the processing room and he conducted an open hand strike to the upper chest area to prevent her from kicking him again and to gain control of her. Additionally, Officer [REDACTED] stated that Ms. [REDACTED] continued to be combative and they escorted her to a cell.

## II. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

**A preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

Allegation #1 against Officer [REDACTED] is **Unfounded**.

The body worn video of Officer [REDACTED] depicts Ms. [REDACTED] being very combative with the officers and refusing to allow Officer [REDACTED] from searching her inside the lock-up. Throughout the incident, Ms. [REDACTED] directed derogatory remarks toward the officers and refused all verbal commands. Officer [REDACTED] responded to the lock-up to assist Officer [REDACTED]. Officer [REDACTED] denied using excessive force against Ms. [REDACTED] and stated that he pushed her after Ms. [REDACTED] kicked him in the leg. Officer [REDACTED] stated that he attempted to gain control of Ms. [REDACTED]. Officers [REDACTED] and [REDACTED] corroborated Officer [REDACTED] statement that he did not use excessive force on Ms. [REDACTED]. Officers [REDACTED] and [REDACTED] described Ms. [REDACTED] as an active resister. G03-02-01 authorizes an officer to utilize diffused-pressure striking or slapping an active resister to increase control by disorienting the subject and interfering with her ability to resist. That is what Officer [REDACTED] did in this case. However, the preponderance of the evidence establishes that it is more likely than not that Ms. [REDACTED] kicked Officer [REDACTED] thus classifying her as an assailant.<sup>3</sup> Therefore, COPA finds that based on the totality of the circumstances, Officer [REDACTED] used the necessary force to overcome Ms. [REDACTED] resistance and gain control of her.

Approved:

  
Angela Hearts-Glass  
Deputy Chief Administrator

  
Date

6-21-19

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<sup>3</sup> G03-02-01 authorizes an officer to utilize forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures against an assailant. These techniques can be combined with take-downs or pins against the ground or other objects.

**Assigned Investigative Staff**

<b>Squad#:</b>	[REDACTED]
<b>Major Case Specialist:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass